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THE AMERICAN INSTITUTE OF SACRED LITERATURE

THE DUTY OF THE CHURCH IN RELATION TO THE STRUGGLING CLASSES. IV A READING COURSE FOR MINISTERS

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Part IV. Juvenile Delinquency: Court and Institutional Treatment

REQUIRED READING

*Flexner and Baldwin, *Juvenile Courts and Probation*.

COLLATERAL READING

Thomas D. Eliot, *The Juvenile Court and the Community*.

Hastings H. Hart, *Juvenile Court Laws in the United States*.

William R. George and Lyman Beecher Stowe, *Citizens Made and Remade*.

R. R. Reeder, *How Two Hundred Children Live and Learn*.

Gulick and Ayres, *Medical Inspection of Schools*.

L. P. Ayres, *Laggards in Our Schools*.

A. P. Drucker, *The Juvenile-Adult Offender*. (Pamphlet, published by the Juvenile Protective Association, Chicago.)

Hastings H. Hart, *Preventive Treatment of Neglected Children*. (Parts I-III and Part VI.)

C. R. Henderson, *Preventive Agencies and Methods*, chap. vi.

1. Theory of the Juvenile Court

The traditional theory that parents are absolute owners of their children has held broad sway. So long as the child was not violently or suddenly put to

death society was content to leave the matter of its health and moral training to be cared for by the natural affection and intelligence of the parent. Compulsory education was the first legal invasion of this supposedly exclusive proprietorship. With the growth of social consciousness and the gradual development from individualism and the *laissez faire* doctrine the state came to hold that it had some right in the child as a prospective citizen, and later to maintain, under pressure from humanitarians, that the child also had some rights in and for himself.

The rise of the Juvenile Court marked this stage in the state's attempt to regulate the training and protection of children. Some limit must be set to the degree of neglect which might be practiced by indigent, ignorant, degenerate, and immoral parents and guardians. So also the parent must be held accountable before the law for contributing to the delinquency of the child.

It was seen that to impute to child offenders the same degree of responsibility that attaches to the normal adult

criminal was a supposition unjustified in fact, and that to deal with erring children by the same formal process which the courts applied to adult criminals was likely only to confirm them in crime. To prove the charge against the child, to throw him into jail, in association with hardened and vicious persons, was but to make him and society worse off.

2. Aim of the Juvenile Court

Consequently some of the aims of those who were interested in an improved treatment for unfortunate and offending children were: (a) to insure a place of detention before hearing entirely separated from criminals and criminal contact; (b) to give such study to each case as to ascertain *why* the child acted as he did rather than to center on the formal task of convicting him of a given charge; (c) to provide an extension of preventive and remedial treatment in the person of the probation officer; (d) to guarantee to children needing it such institutional treatment as would fit them for a return to normal social living; (e) to stimulate parents in the proper care of their children; (f) to determine the custody of dependent children and, in a word, to restore the dependent and delinquent child, when not permanently incapacitated by physical or mental defect, to the conditions of "a normal family home."

3. Organization and Process

In order to place this important piece of judicial reform beyond the dangers inherent in inexperienced magistrates and petty judges, it has been the custom to organize the Juvenile Court as a

function of the Circuit or County Court system. This is calculated to insure a higher type of judge and greater permanency in the position. The judge appoints the chief probation officer and his helpers under civil-service rules. In a well-developed probation service, such as that of the Cook County Juvenile Court of Illinois, there will be found the following departments: Complaint, Delinquent Boys, Child-Placing, Dependent Children and Delinquent Girls at Home, and Fund-to-Parents. The court also makes a wise and gracious provision in having a woman associated with the judge for the private hearing of girls' cases.

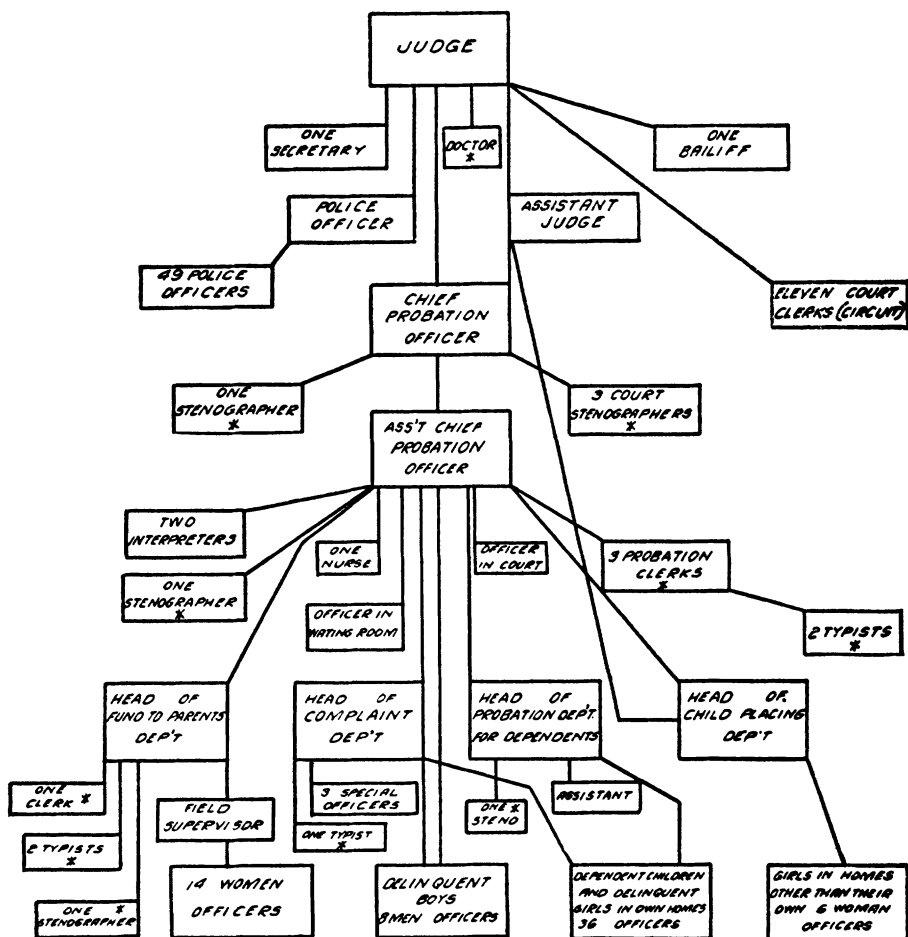
The probation officer is the key to the whole treatment. It becomes his or her duty to learn all about the home, school, employment, and social factors in the case prior to hearing and to represent the child in court. For obvious reasons the officer who makes this preliminary investigation will frequently not be the one to whom the delinquent is paroled if the court decides that it is best to place him on probation. In the early days of the court children were sometimes paroled to private citizens of good standing, but this voluntary service has usually proved to be disappointing.

Any child who becomes a ward of the court remains such until reaching the age of twenty-one unless discharged. On recommendation of the probation officer and upon proof of the child's fitness, the court may at any time release the reformed or improved offender. Similarly the superintendent of the reformatory to which the delinquent has been committed may advise and

secure the child's return to normal society.

The accompanying graph by Mr. Joel D. Hunter, chief probation officer of the Cook County Juvenile Court, shows at a glance the organization of

of a child who, to his best knowledge and belief, is delinquent, or dependent, etc. The court issues a summons for parents or guardian to appear with the child. Children who may not be left in parental custody awaiting hearing are detained



one of the most highly developed juvenile courts in the country.

No detailed statement of process can be attempted in this study. It must be sufficient to indicate merely that any citizen may *petition* the court in behalf

in the Juvenile Detention Home where they have proper physical and educational care. The physical and mental condition of the child is scientifically ascertained. The hearing (unless a jury is demanded) is practically private, being

so quietly carried on between the judge and the interested parties that the curiosity of court loafers and sensation mongers is effectually balked.

The offender may be paroled to parents subject to visitation and supervision by the probation officer, may be placed in another home with the same supervision, or may be sent to a reformatory institution. Girls who have reached a degree of delinquency calling for court treatment will more frequently need institutional custody than will be the case with boys. Most girls are brought in for incorrigibility and immorality, most boys for some form of stealing.

The Boys' Court, so called, is somewhat similarly organized to handle the cases of boys who are over juvenile-court age and under twenty-one years. The Court of Domestic Relations aims to reconcile parents who are tempted to break up their home and so endanger the children, and to force non-supporting neglectful, or deserting husbands to perform their duties by wife and children.

4. Institutions

The more careful examination of delinquents in recent years has revealed the fact that the physical and mental defects of repeaters often call for institutional care. This is a mercy to the afflicted children and a necessary safeguard for the public. Even with normal children, who compose the great bulk of delinquents, it has been found that the routine and good habits enforced where all the living conditions are controlled may, if not too prolonged, have great corrective value.

Vast congregate institutions are no longer in good standing. The cottage system with some attempt to approximate the conditions of normal family life is proving superior. The regimen of an equal balance between healthful occupation—preferably in the open—and school work, together with proper food and rest and the attempt to train the wards for vocational efficiency, will go a long way toward remaking these prospective citizens.

But the institution is never the goal for the normal child. The aim of the whole process is the return to the home, if the home be fit; or the placing out in a suitable home as soon as one can be found for the child who is prepared for a new chance to "make good."

In fact the rapid spread of the Fund-to-Parents act from state to state is an attempt so to subsidize the indigent home where the widow has a family on her hands that she may be enabled to give such attention to the home-care of the children as to prevent them from falling into delinquency. As never before, the whole treatment is centering about the home and is therefore full of promise that in due time society will see to it that justice is accorded this primary institution, whose failure means juvenile delinquency and whose efficiency means morality, happiness, and good citizenship.

Topics for Discussion

1. What provision is made in your community for the detention, trial, and treatment of juvenile delinquents?
2. What is the extent of truancy in your community and how is it handled?
3. Visit a near-by reformatory or industrial school for boys or girls and estimate

the moral and religious value of its regimen.

4. Ascertain the attitude of the police toward troublesome boys and of the boys toward the police and try to explain the phenomena.

5. Consider carefully the present tendency to emphasize social as contrasted with

individual responsibility in the case of misdemeanants, and try to reach a just principle in the light of Jesus' teachings.

6. Discuss the advantages, if any, which might arise from directing the attention of the church to specific sins and their prevention as compared with the consideration of sin as a total and undifferentiated "state."

SUGGESTIONS TO LEADERS OF CLASSES USING THE COURSE "THE MESSAGE OF JESUS TO OUR MODERN LIFE"

STUDY VIII

THE CHRISTIAN COMMUNITY OR THE CHURCH

It is perhaps to be regretted that we must go outside of the gospel to secure much of our data for the topic for this month. But perhaps the class will better realize that the religion of Jesus and the early church was not a ready-made set of principles and practices, but a spirit applied to life, and that, even so, it was not a wholly new spirit but had been coming gradually to the consciousness of men throughout the Old Testament period, and in Jesus found its complete expression. It will thus be seen that each succeeding generation brought with it something of the old which hampered in some measure the development of the new. We shall also appreciate the fact that the institutions which we have inherited, like those which Jesus inherited, are not perfect. The class members will be more ready, therefore, to feel that upon them, as members of the church, rests the responsibility for keeping the church moving forward as fast as progressive idealism points the way to more efficient and practical service.

The great difficulty in our church life today is that the average layman continually thinks of the church as something

apart from himself, instead of himself as a unit in the church and he and his fellows all together constituting the church and able, if they wish, to mend those things in it which they decry.

When it has been discovered by the study of the selections to be read how little specific teaching Jesus, or even the earlier religious teachers of the Hebrews gave us concerning church organization and functions, there will be opportunity to give an entire meeting to the discussion of the duties and work of a modern church.

A group realizing that the field is clear for new ideas will approach the subject with new enthusiasm. The two programs which follow are arranged with this purpose in mind.

The program for the first meeting of the month may consider the following topics:

Leader: Some examples of what may be termed "institutionalized thought" as it appears in modern society.

Members: (1) The chief characteristics of the organization and practice of worship among the Hebrews after the building of the first temple. (2) The rise of the synagogue and its customs and uses. (3) The attitude